

**BOISE, FRIDAY, FEBRUARY 10, 2012 AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Docket No. 38106</b>
	)	
<b>RANDY PAUL KOIVU,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	
_____	)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Benjamin R. Simpson, District Judge.

Hon. Lawrence G. Wasden, Attorney General, Boise, for Appellant.

Sara B. Thomas, State Appellate Public Defender, Boise, for Respondent.

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The State appeals an order of the district court granting Mr. Koivu's motion to suppress.

In 2004, Randy Koivu was found guilty of Possession of a Controlled Substance, Methamphetamine, and received a three-year fixed sentence, with two years indeterminate, but was granted four years of probation. As a condition of probation, Mr. Koivu was ordered to pay certain fines, costs, and restitution. In 2005, Mr. Koivu's probation was revoked and he was remanded to the Idaho Department of Corrections to serve his sentence. The district court relinquished jurisdiction at that time.

In July 2009, Mr. Koivu was released from prison. In October 2009, a Deputy Clerk for Boundary County filed an Affidavit and Notice of Failure to Pay, alleging the defendant was in arrears for fines, costs, and public defender reimbursement. A second Affidavit to that effect was filed in December 2009. In response, the district judge signed a Warrant of Attachment on December 8, 2009, directing any peace officer in the State of Idaho to arrest the defendant and bring him before the court, unless he paid his fines.

On March 5, 2010, two Bonner County sheriff deputies, operating a radar gun,

lawfully stopped Mr. Koivu driving a vehicle in excess of the speed limit. The deputies ran Mr. Koivu's information through dispatch, who confirmed his warrant out of Boundary County. Mr. Koivu was arrested and transported to Bonner County Jail. At the jail, Mr. Koivu was searched before being placed in a holding cell and baggie of methamphetamine was discovered at his feet.

On April 8, 2010, the Boundary County Prosecuting Attorney filed a motion to dismiss the Warrant of Attachment filed on December 8, 2009. The warrant was dismissed by the district court because the court did not have jurisdiction to issue it.

Mr. Koivu filed a motion to suppress, arguing that pursuant to *State v. Guzman*, the "good faith" exception to the exclusionary rule does not apply to the Idaho Constitution and the methamphetamine must be excluded. The district court agreed, excluding the methamphetamine found on Mr. Koivu. The State appeals, asking the Supreme Court to reverse its decision in *Guzman*.

**BOISE, FRIDAY, FEBRUARY 10, 2012 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>JOHN FREDERICK BALL and JOAN</b>	)	
<b>BALL, husband and wife,</b>	)	
	)	
<b>Plaintiffs-Appellants,</b>	)	
	)	<b>Docket No. 38530</b>
<b>v.</b>	)	
	)	
<b>CITY OF BLACKFOOT,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	

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Appeal from the District Court of the Seventh Judicial District, State of Idaho,  
Bingham County. Hon. Darren B. Simpson, District Judge.

Maguire & Penrod, Pocatello, for Appellants.

Nelson Hall Parry Tucker, P.S., Idaho Falls, for Respondent.

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JoAn and Fred Ball (the Balls) are patrons of the Blackfoot municipal pool. The Balls allege that JoAn slipped on ice accumulated on the sidewalk between the pool and the parking lot. The district court granted summary judgment dismissing the Balls' negligence claims on the ground that, under *Pearson v. Boise City*, 80 Idaho 494, 333 P.2d 998 (1959), property owners are not liable for injuries resulting from natural accumulations of snow or ice. The Balls appeal.

**BOISE, FRIDAY, FEBRUARY 10, 2012 AT 11:10 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**IN THE MATTER OF THE JEROME )  
COUNTY BOARD OF COMMISSIONERS; )  
DECISION DATED SEPTEMBER 23, 2008, )  
APPROVING A LIVESTOCK )  
CONFINEMENT OPERATION PERMIT )  
FOR DON McFARLAND, DBA BIG SKY )  
FARMS. )**

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)  
)  
**FRIENDS OF MINIDOKA, DEAN & EDEN )  
DIMOND, HAROLD & CAROLYN )  
DIMOND, WAYNE SLOAN, guardian of )  
JAMES SLOAN, THE IDAHO RURAL )  
COUNCIL, INC., IDAHO CONCERNED )  
AREA RESIDENTS FOR THE )  
ENVIRONMENT, INC., )**

**Petitioners/Appellants/Cross-  
Respondents,**

**v.**

**JEROME COUNTY, JOSEPH DAVIDSON, )  
CHARLES HOWELL, DIANA OBENAUER, )  
members of the JEROME COUNTY BOARD )  
OF COMMISSIONERS, )**

**Respondents/Respondents on Appeal/  
Cross-Appellants,**

**and**

**SOUTH VIEW DAIRY, an Idaho general )  
partnership, WILLIAM VISSER, WILLIAM )  
DE JONG, and RYAN VISSER, general )  
partners, )**

**Intervenors/Respondents on Appeal.**

**Docket No. 38113**

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Robert J. Elgee, District Judge.

Hutchinson & Brown, LLC, Twin Falls, for appellant.

Jerome County Prosecutor's Office, Jerome, for respondent.

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Appellant individuals and organizations seek review from the Supreme Court of the district court's decision on a petition for review affirming the Jerome County Board of County Commissioners' approval of a permit application for a Livestock Confinement Operation (LCO). The Board approved the application after a remand by the district court of the Board's previous decision denying the permit. The district court affirmed the Board's approval of the permit, finding in the process that four of the organizations concerned with the effects on the Minidoka National Historic Site lacked standing. The appellants have appealed the district court's decision to the Supreme Court asking that it find that these parties had standing to challenge the permit approval, that the Board's procedure for presenting evidence before the Board violated procedural due process rights, and that the Board failed to follow all of the county's relevant zoning ordinances when it approved the application.